

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
June 10, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:25 a.m. on June 10, 2010 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jeffrey Levin, D.D.S.

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.
Meera A. Gokli, D.D.S.
Paul N. Zimmet, D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Myra Howard, Citizen Member
Martha C. Cutright, D.D.S.

MEMBERS EXCUSED: Herbert R. Boyd, III, D.D.S.
Robert B. Hall, Jr., D.D.S.
Misty Mesimer, R.D.H.

STAFF PRESENT: Sandra K. Reen., Executive Director
Huong Vu, Administrative Assistant

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Assistant Attorney General
Gail Ross, Adjudication Specialist
Lynn Taylor, Court Reporter, Farnsworth & Taylor Reporting
Jessica Glajch, Administrative Proceedings Division(APD) Intern
Micheal Bagel, Administrative Proceedings Division(APD) Intern
Tina Jadhaf, Office of Attorney General(OAG) Intern

**ESTABLISHMENT OF
A QUORUM:**

With seven members present, a quorum was established.

**Steven P. Afsahi,
D.D.S.
Case No. 126263**

Dr. Afsahi appeared with counsel, Herbert Rosenblum, in accordance with a Notice of the Board dated February 11, 2010.

Dr. Levin swore in the witnesses.

Following Mr. Rosenblum's opening statement, Dr. Levin admitted into evidence Respondent's exhibit A through D.

Following Mr. Schliessmann's opening statement, Dr. Levin admitted into evidence Commonwealth's exhibits 1 through 8.

Testifying on behalf of the respondent by phone were Dr. Richard Lee Roth, MD and Dr. Ron Hessamfar, DMD.

Dr. Afsahi testified on his own behalf.

Closed Meeting:

Ms. Pace moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Dr. Afsahi. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu, Board counsel, Howard Casway, OAG intern, Tina Jadhaf and APD interns Jessica Glajch and Michael Bagel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Ms. Pace moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Mr. Casway asked if either counsel objected to the Board talking to Peggy Wood, the DHP program manager and liaison for the Health Practitioner's Monitoring Program (HPMP), about the program procedures in a closed meeting. No objection was noted.

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The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Dr. Levin asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Mr. Casway reviewed the findings and conclusions then reported that the Board decided to reinstate Dr. Afsahi's license on indefinite suspension with the suspension stayed contingent upon proof of compliance with the following terms and conditions:

- Dr. Afsahi is to enter into the HPMP and to remain in compliance with said program,
- At such time as Dr. Afsahi is dismissed from HPMP for non-compliance, the stay of his suspension shall be rescinded summarily and his license shall be suspended and he shall be noticed for a formal hearing, and
- Dr. Afsahi shall be prohibited from practicing dentistry unless he is under the supervision of a Board approved licensed practitioner, who shall be immediately present in the facility at all times Dr. Afsahi is treating patients. Dr. Afsahi shall ensure that his Board approved practice supervisor submits such quarterly reports as are required by the Board.

Ms. Pace moved to adopt the Findings of Fact, Conclusions of Law and Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT:

The Board adjourned at 3:25 p.m.

Jeffrey Levin, DDS, President

Sandra K. Reen, Executive Director

Date

Date